Public Law 99-228
99th Congress

An Act

To amend title 25, United States Code, relating to Indian education programs, and for other purposes.

Dec. 28, 1985
[S. 1621]

Schools and colleges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1128 of Public Law 95-561 (25 U.S.C. 2008), as amended, is amended by—

(1) deleting "Indian students" in subsection (a)(1) and substituting in lieu thereof "eligible Indian students"; and

(2) deleting "Indian child" between the words "for each" and "attending such school", and "for an" and "in public school" in subsection (b), and substitute in lieu thereof "eligible Indian student"; and

(3) by adding the following new subsections:

"(f) In this section 'eligible Indian student' means a student who—

"(1) is a member of or is at least a one-fourth degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau or contract school. A student attending a Bureau school under clause (2)(C) of this subsection may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents, and

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students. The tuition collected is in addition to the school's allocation under this section.

"(3) The school board of a contract school may permit students who are not eligible Indian students under this subsection to attend its contract school and any tuition collected for those students is in addition to funding under this section.".

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25 USC 2008 note.

SEC. 2. Any other provision of law notwithstanding, the Secretary of the Interior shall count for funding purposes under section 1128 of Public Law 95-561 during the 1985-1986 academic year each student attending a Bureau or contract school during the count week for that year if the student (a) was counted for funding purposes under section 1128 for the 1984-1985 academic year and (b) is an eligible Indian student under the amendment to section 1128 in section 1 of this Act.

Repeal.

SEC. 3. The following provisions of law are hereby repealed—

(1) in the Act of March 1, 1907 (ch. 2285, 34 Stat. 1015) the first full paragraph on page 1018 (25 U.S.C. 288).

25 USC 320.

(2) in the Act of March 3, 1909 (ch. 263, 35 Stat. 781) the last two provisos in the second full paragraph on page 783 (25 U.S.C. 289).

(3) in the Act of May 27, 1918 (ch. 86, 40 Stat. 561) the third proviso in the paragraph under the heading "SUPPORT OF INDIAN SCHOOLS" on page 564 (25 U.S.C. 297).".

Approved December 28, 1985.

LEGISLATIVE HISTORY—S. 1621:

SENATE REPORT No. 99-180 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 13, considered and passed Senate.
Dec. 16, considered and passed House.

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